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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,892	08/01/2003	Wing Kin Chan	007198-536	9815
21839	7590	05/31/2006	EXAMINER	
BUCHANAN INGERSOLL PC (INCLUDING BURNS, DOANE, SWECKER & MATHIS) POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			DOAN, ROBYN KIEU	
			ART UNIT	PAPER NUMBER
			3732	

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/631,892	CHAN, WING KIN	
	Examiner	Art Unit	
	Robyn Doan	3732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 7,9-16,18-20,23,27-29 and 31-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8,17,21,22,24-26 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/2/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Claims 7, 9, 10-16, 18-20, 23, 27-29 and 31-34 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/4/06.

Applicant's election without traverse of species II figs. 8-11 including claims 1-6, 8, 17, 21-22, 24-26 and 30 in the reply filed on 4/4/06 is acknowledged.

Specification

The disclosure is objected to because of the following informalities: in the specification ,page 21, line 2 "20" should be changed to -2--.

Appropriate correction is required.

Claim Objections

Claim 26 is objected to because of the following informalities: -- A—should be added before "hair care device" in line 1. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 30 is rejected under 35 U.S.C. 102(b) as being anticipated by Burkhardt (U.S. Pat. # 5,555,632).

With regard to claim 30, Burkhardt discloses a hair care device (figs. 1-6) comprising an air blower (1) and a hair care device (10) having hair combing means (16, 18) with a plurality of combing teeth (20, 26) and means for adjusting effective teeth spacing between adjacent combing teeth (figs. 3-5, col. 3, lines 5-39), wherein at least some of the combing teeth being inherently thermally conductive (abstract lines 4-7 recited airstreams flows alongside the length of the comb teeth, therefore the comb teeth must be somewhat thermally conductive) so that the heat can be conducted from the combing means to the user's hair via thermally conductive combing teeth when the hair being engaged under tension by the combing teeth (abstract, lines 12-14).

Claims 1, 3-6, 8, 17 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Abraham (U.S. Pat. 3,464,427).

With regard to claim 1, Abraham discloses a hair care device (figs. 1-2) comprising hair combing means (1, 1') with a plurality of teeth (3, 3'), means for

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adjusting effective teeth spacing between adjacent combing teeth (5, 6) wherein at least some of the combing teeth being made of plastic therefore they are inherently being thermally conductive. In regard to claims 3 and 8, Abraham shows the hair combing means including a first comb row (1) and a second comb row (1'), each having a plurality of comb teeth (3, 3'), the first and second comb rows being relatively movable (col. 1, lines 25-28) so that the effective teeth spacing transversely across the combing means being variable by relative movement of the first and second comb rows. In regard to claim 4-6, Abraham shows at least some of the comb teeth on the first and second rows being adapted so that the effective teeth spacing transversely across the combing means being adjusted by relative movements between comb rows (fig. 1): Abraham also discloses the width of some of the comb teeth being comparable to the teeth spacing between corresponding adjacent comb teeth (fig. 1). In regard to claim 17, the first and second combing means being relatively translatable along a first orientation (fig. 2), the combing teeth being generally elongated and extending along second orientation (fig. 1), wherein relative translation between the first and second combing means along the first direction will cause the elongated teeth on one combing means to traverse the spacing between adjacent teeth pairs on the other combing means to vary the effective teeth spacing of the device, means for adjusting the effective teeth (5, 6) controls the relative translation between the first and second combing means. In regard to claim 26, the teeth spacing on the first and second combing means being generally equal (col. 2, lines 25-28).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8, 17, 21-22, 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cutrone (U.S. Pat. # 3,603,324) in view of Adams (U.S. Pat. # 5,400,809).

With regard to claim 1, Cutrone discloses a hair care device (figs. 1-6) comprising hair combing means (10, 20) with a plurality of teeth (11, 24), means for adjusting effective teeth spacing between adjacent combing teeth (25, 14). Cutrone does not disclose at least some of the combing teeth being thermally conductive, however, Adams discloses a hair care device (fig. 1) comprising a hair combing device (16) with a plurality of teeth (23) and the teeth being thermally conductive (col. 8, lines 60-63) so that heat can be conducted from the combing device to the user's hair via thermally conductive combing teeth. It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the thermally conductive combing teeth as taught by Adams into the combing means of Cutrone for the purpose of styling the hair of the user. In regard to claim 2, Cutrone shows engaging tension on the hair being adjustable by varying the effective teeth spacing between the adjacent combing teeth (col. 2, lines 56-61). In regard to claims 3 and 8, Cutrone discloses a first comb row (10) and a second comb row (20) each having a plurality of

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comb teeth (11, 24), the first and second comb rows being relatively movable (col. 2, lines 68-69) so that effective teeth spacing transversely across the combing means being variable by relative movement of the first and second comb rows. In regard to claims 4-6, Cutrone shows at least some of the comb teeth on the first and second rows being adapted so that the effective teeth spacing transversely across the combing means being adjusted by relative movements between comb rows (figs. 5-6); Cutrone also discloses the width of some of the comb teeth being comparable to the teeth spacing between corresponding adjacent comb teeth (col. 2, lines 1-6). In regard to claim 17, the first and second combing means being relatively translatable along a first orientation (fig. 2), the combing teeth being generally elongated and extending along second orientation (fig. 1), wherein relative translation between the first and second combing means along the first direction will cause the elongated teeth on one combing means to traverse the spacing between adjacent teeth pairs on the other combing means to vary the effective teeth spacing of the device, means for adjusting the effective teeth (25, 14) controls the relative translation between the first and second combing means (figs. 5-6). In regard to claim 21, Cutrone in view of Adams do not disclose the first and second directions being orthogonal. It would have been obvious to one having an ordinary skill in the art at the time the invention was made to construct the first and second directions being orthogonal, since such a modification would have involved a mere change in the direction of the component. A change in direction is generally recognized as being within the level or ordinary skill in the art. In regard to claim 22, the means for adjusting the effective teeth spacing including means (25, fig. 6)

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to gradually translate one of the combing means. In regard to claims 24-25, the teeth spacing adjusting means further including means (12, 13) to maintain the one of combing means at predetermined positions along the first position (fig. 6); the predetermined positions correspond to discrete settings of the effective teeth spacing of the device.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pischdotchian, Treloar et al and Marini are cited to show the state of the art with respect to a hair care device with movable combs.

The drawings filed 8/1/2003 have been approved by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robyn Doan whose telephone number is (571) 272-4711. The examiner can normally be reached on Mon-Fri 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Robyn Doan', with a long horizontal stroke extending to the right.

Robyn Doan
Examiner
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